



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

April 23, 1991

Ms. Mary Ann Courter
Assistant General Counsel
Department of Public Safety
5805 N. Lamar Blvd., Box 4087
Austin, Texas 78773-0001

OR91-208

Dear Ms. Courter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11808.

The Texas Department of Public Safety (DPS) received an open records request for, *inter alia*, information pertaining to its investigations into the custodial death of Loyal Garner, Jr. You state that although the DPS investigation into the death is now closed, the U.S. Department of Justice, Civil Rights Division, is currently investigating the same incident and that the U.S. attorney general has asked that the department provide him with all investigative reports of a particular DPS officer concerning the death. You contend that because of the pending federal investigation, the investigative reports may be withheld pursuant to section 3(a)(8) of the Open Records Act.

Your request is governed by a previous determination of this office. In Open Records Decision No. 340 (1982) (copy enclosed), this office held that where there is an ongoing federal investigation, information related thereto may be withheld, despite the fact that the state investigation has been discontinued. The Civil Rights Division has informed this office that the release of the investigative reports at this time would unduly interfere with their investigation; consequently, you may withhold those reports at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-208

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/RWP/lb

Ref.: ID# 11808
ID# 12135

Enclosures: Open Records Decision No. 340

cc: Barry Kowalski
Deputy Chief
Criminal Section
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CRT/CS
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